

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 99-088

AMENDMENT OF SITE CLEANUP REQUIREMENTS (ORDER NO. 94-027) FOR:

Brandenburg Family Associates 1,
A California Limited Partnership

Brandenburg, Staedler & Moore
A California General Partnership

Phil Wood, Doing Business as Phil Wood & Company

For the property located at

153 West Julian Street
San Jose
Santa Clara County

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Board), finds that:

1. **Regional Board Orders:** The Board has adopted the following orders and permits for the 153 West Julian Street site:
 - a. Final Site Cleanup Requirements Order No. 94-027 ("FSCR"), adopted February 16, 1994.
 - b. Waste Discharge Requirements Order No. 99-051 (NPDES Permit No. CAG912003), adopted July 21, 1999.
2. **Reason for Amendment:** Brandenburg Family Associates 1 (Brandenburg) has requested that the current FSCR be amended in order to undertake an alternative remedial action in the event of property redevelopment from the current industrial/commercial use to residential use. Brandenburg submitted the report entitled "Final Remedial Action Plan" ("Final RAP") and dated August 13, 1999 for the site, which proposes an alternative final remedial action for the site if it is redeveloped, followed by a verification groundwater monitoring program. The Final RAP was submitted to the Board pursuant to a request from the San Jose Redevelopment Agency

(SJFDA) to the Board for cleanup guidelines and a separate letter from the SJFDA to Brandenburg dated April 22, 1999, requesting the preparation of a remedial action plan. The proposed remedial actions described in the Final RAP will be implemented under provisions of the Polanco Redevelopment Act, California Health & Safety Code sections 33459 *et seq.*

The Final RAP supercedes the report submitted by Brandenburg entitled "*Draft Proposed Alternative Final Remedial Action Plan*" ("*Draft Alternative RAP*") dated April 29, 1999. Pursuant to the Polanco Redevelopment Act and in compliance with the National Contingency Plan, the *Draft Alternative RAP* underwent public review during May and June, 1999. Supplemental documents were developed in June 1999 to inform the public of the proposed alternative cleanup plan for the Site, including: 1) "Public Participation Plan" prepared by Brandenburg; and 2) "Fact Sheet #1" prepared by Board staff. A public meeting was held on June 29, 1999, and the public comment period closed on July 6, 1999.

The Final RAP describes four alternative remedial actions. The Final RAP proposes Alternative 3 as the alternative final remedial action developed as a replacement remedial measure that would be implemented in the event of Site redevelopment. An updated assessment of the extent of VOC-affected soil and groundwater, effectiveness evaluation of current remedial measures, feasibility study of remedial alternatives, screening health risk assessment and groundwater modeling were conducted as part of the Final RAP. Remedial action objectives (RAOs) were proposed which identify VOC concentrations in shallow-zone groundwater that are estimated to be protective of human health and further groundwater degradation. The following RAOs were proposed for site chemicals of concern in shallow-zone groundwater: 500 ppb 1,1-DCA; 600 ppb 1,1-DCE; and 17,000 ppb 1,1,1-TCA. Monitoring data from the site shows that VOCs in groundwater are biodegrading and groundwater modeling results indicate VOCs are expected to be reduced to final groundwater cleanup standards (i.e., MCLs, FSCR Table 1) by natural attenuation within a reasonable time frame after RAOs are achieved.

Based on evaluations of RAOs and remedial alternatives in the Final RAP, this Amendment of FSCR Order No. 94-027 provides Brandenburg's proposed alternative final remedial action as a final cleanup remedy in the event that the site is redeveloped. Brandenburg's proposed alternative final remedial action includes the following:

- Excavation of soil and removal of groundwater from the area of the shallow-zone groundwater where VOC concentrations in groundwater exceed the proposed RAOs.
- On-site treatment of removed groundwater and discharge to the storm sewer under permit; on-site treatment and reuse of excavated shallow-zone soil, or off-site transport and disposal of VOC-impacted soil.

The proposed remedial action involves excavation of approximately 7,000 cubic yards of VOC-impacted shallow-zone soil to a depth of less than approximately 40 feet. Soil confirmation sampling would be conducted during excavation to confirm the removal of the portion of the shallow groundwater zone containing VOC concentrations in groundwater above the RAOs. Following completion of the remedial action, a verification groundwater monitoring program would be proposed and implemented by Brandenburg at the site. Data from the verification monitoring program would be evaluated to monitor the progress and effectiveness of further VOC concentration reductions by natural attenuation.

Because the recommended alternative final remedial action requires demolition of currently occupied buildings at the site, the alternative final remedial action is proposed by Brandenburg to be implemented only in the event of Site redevelopment. The current remedial action conducted pursuant to the FSCR will continue to be implemented at the site until the site is redeveloped. At such time as Brandenburg decides to go forward with the redevelopment of the Site, Brandenburg will provide notification to the Board and will provide a proposed schedule for demolition of the buildings and implementation of the alternative final remedial action proposed in the Final RAP. Brandenburg will submit to the Board a health and safety plan (HSP) and a confirmation soil sampling and analysis plan (SAP) prior to implementation of the alternative final remedial action.

3. **CEQA:** This action is an amendment of an order to enforce the laws and regulations administered by the Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resources Agency Guidelines.
4. **Notification:** The Board has notified the Discharger and all interested agencies and persons of its intent under California Water Code Section 13304 to amend site cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.
5. **Public Hearing:** The Board, at a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that:

- A. Specification 6 in FSCR Order No. 94-027 shall be amended to read in full as follows:
 6. The discharger shall implement the remedial action described in Finding 26 until the RAOs are achieved. In the event that Brandenburg decides to go forward with redevelopment of the site and the RAOs have not yet been achieved, then at the time of redevelopment the discharger shall implement the alternative final remedial action described as Alternative 3 in the Final RAP.

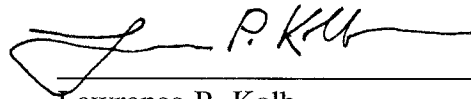
B. Provision C.2.g. in FSCR Order No. 94-027 shall be amended to read in full as follows:

g. VERIFICATION GROUNDWATER MONITORING PROGRAM

1) COMPLETION DATE: 60 days following completion of remedial action

The discharger shall submit a plan for a verification groundwater monitoring program to the Board for review and approval following completion of the remedial action described in Finding 26 or the alternative final remedial action described as Alternative 3 in the Final RAP. The plan shall include proposed locations of monitoring wells, implementation schedule, and frequency of monitoring and reporting.

I, Lawrence P. Kolb, Acting Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco, Bay Region, on October 20, 1999.

A handwritten signature in black ink, appearing to read 'P. Kolb', is written over a horizontal line.

Lawrence P. Kolb
Acting Executive Officer

FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT YOU TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO: IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY UNDER WATER CODE SECTIONS 13268 OR 13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR CIVIL LIABILITY.